



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The Department") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

Ameresco Chicopee Energy LLC
1111 Speen Street, Suite 410
Framingham, MA 01701

INFORMATION RELIED UPON:

Application No. : 1-O-05-011
Transmittal No. : W059384

FACILITY LOCATION:

Chicopee Landfill Gas-To-Energy
New Lombard Road
Chicopee, MA 01020

FACILITY IDENTIFYING NUMBERS:

SSEIS ID: 0420110
FMF FAC NO.: 357046
FMF RO NO.: 357047

NATURE OF BUSINESS:

Electric Power Generation from Landfill Gas

STANDARD INDUSTRIAL CODE (SIC):

4911 – Electric power generation

RESPONSIBLE OFFICIAL:

Name: Joseph P. DeManche
Title: Executive Vice President

FACILITY CONTACT PERSON:

Name: Dan Gardner
Title: Project Manager
Phone: (508) 661-2226

This operating permit shall expire on January 18, 2011.

For the Department of Environmental Protection, Bureau of Waste Prevention

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

January 18, 2006

Date



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SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter "Ameresco") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

The Ameresco facility is a landfill gas-to-energy plant located on the Chicopee Landfill on New Lombard Road in Chicopee. The Facility consists of three Jenbacher model no. J616 GS-E22 internal combustion engines each rated at 1893 kilowatts (KW), 16.94 MMBtu/hr Lower Heat Value (LHV). The Facility combusts landfill gas and produces approximately 5.6 MW for the electrical grid.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU)	Description of EU	Design Capacity	Pollution Control Device (PCD)
EU 1	Jenbacher IC engine Model #J616 GS-E22	16.94 MMBtu/hr	none
EU 2	Jenbacher IC engine Model #J616 GS-E22	16.94 MMBtu/hr	none
EU 3	Jenbacher IC engine Model #J616 GS-E22	16.94 MMBtu/hr	none

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office as changes occur.	310 CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the emission limits/restrictions as contained in Table 3 as follows:

Table 3					
EU #	Fuel or Raw Material	Pollutant	Emission Limits/Standards ⁽¹⁾⁽²⁾	Restrictions (tons per year) ⁽³⁾	Applicable Regulation and/or Approval No.
EU 1 EU 2 EU 3	landfill gas	NO _x	0.6 gm/bhp-hr ⁽⁴⁾ 3.53 lb/hr	15.47	Approval #1-X-02-014 (8/20/02)
		CO	3 gm/bhp-hr 17.66 lb/hr	77.36	
		NMOC ⁽⁵⁾	20 ppm ⁽⁶⁾ or reduce 98% by weight 4.31 lb/hr	18.88	
		VOC	1.681 lb/hr	7.36	
		SO ₂	2.83 lb/hr	12.41	
		PM	1 lb/hr	4.38	
		Opacity	0% opacity with exception of 5 minutes during startup ≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during 5 minute exception during startup		Approval #1-X-02-014 (8/20/02) 310 CMR 7.06(1)(b)

(1) Emission limits expressed as pounds per hour (lb/hr) and pound per million Btu (lb/MMBtu) are based on a one-hour average.

(2) The "lb/hr" and "gm/bhp-hr" emission limits are "per engine" limits and do not apply during conditions of startup, shutdown, or malfunction.

(3) Emission limits expressed as tons per year (tpy) are based on a rolling 12-month total for each engine.

(4) gm/bhp-hr = grams of pollutant per brake horsepower-hour of engine

(5) NMOC = Non-methane organic compounds

(6) Parts per million as hexane, by volume, dry basis at 3 percent oxygen.

- B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring, testing, record-keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10); and applicable requirements as contained in Table 3.

Table 4	
EU #	Monitoring/Testing Requirements
EU 1 EU 2 EU 3	<ol style="list-style-type: none"> 1) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall monitor the LFG Facility for the following parameters: <ol style="list-style-type: none"> a. Fuel flow in scfm and total standard cubic feet to all engines combined; and b. Air to fuel ratio for each engine. 2) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall take immediate steps, including shutdown of the engines, to abate any nuisance condition generated by the operation of the engines. 3) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall construct the engines to accommodate the emission testing requirements contained in 40 CFR Part 60 Appendix A. 4) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall conduct compliance emission testing in accordance with the methods and procedures contained in 310 CMR 7.13, 40 CFR Part 60 Subpart WWW Section 60.754, and 40 CFR 60 Appendix A. 5) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall submit a stack test protocol to the Department at least 30 days prior to commencing compliance testing. 6) In accordance with 310 CMR 7.13, Ameresco shall conduct stack testing, upon written request of the Department, for any air contaminant for which the Department has determined testing is necessary, to ascertain compliance with the Department's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by the Department and EPA. 7) Emissions Compliance Testing shall be performed in accordance with 310 CMR 7.13, and 40 CFR Part 60, Appendix A (Method 7 for oxides of nitrogen (NO_x), Method 6 for sulfur dioxide (SO₂), Method 10 for carbon monoxide (CO), Methods 1 to 5 for TSP, Method 3A for Oxygen (O₂), Method 9 for opacity, or any other test method approved by the Department or EPA). 8) Ameresco shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.

Table 5	
EU #	Recordkeeping Requirements
EU 1 EU 2 EU 3	<p>1) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall establish and maintain a record keeping system on site for the following:</p> <ul style="list-style-type: none"> a. A record of routine maintenance activities performed on each engine including a description of the maintenance performed and the date the work was completed; b. A record of all malfunctions for each engine including the date and time of the malfunction, the type of malfunction and the date and time corrective actions were completed; and c. All records shall be kept on site for a period of five years and be made available to Department personnel upon request. <p>2) In accordance with 310 CMR 7.00 Appendix C(9)(b), Ameresco shall maintain records of fuel flow in scfm.</p> <p>3) In accordance with 310 CMR 7.00 Appendix C(9)(b), Ameresco shall maintain records of total standard cubic feet to all engines combined and the air to fuel ratio for each engine to demonstrate that the engine is being operated in accordance with the NOx/CO optimization plan.</p>
Facility	<p>4) In accordance with 310 CMR 7.00 Appendix C(10)(b), Ameresco shall maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</p> <p>5) In accordance with 310 CMR 7.12, Ameresco shall maintain the records required to determine the nature and amounts of emissions from the facility.</p> <p>6) In accordance with 310 CMR 7.12(3)(b), Ameresco shall maintain copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12 for five years from the date of submittal.</p>

Table 6	
EU #	Reporting Requirements†
EU 1 EU 2 EU 3	<p>1) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall submit to the Department a report detailing the results of this NOx/CO optimization/minimization program no later than 30 days following completion.</p> <p>2) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall submit the test report for any emissions testing to the Department within 45 days of completion of the emissions testing.</p> <p>3) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco must notify the Department's Compliance/Enforcement Chief for the Bureau of Waste Prevention by telephone or fax, within 24 hours, and with written notification within 10 days, after the occurrence of any upsets or malfunctions of the engines or any appurtenant equipment which result in excess emission to the ambient air and/or a condition of air pollution.</p>
Facility	<p>4) Ameresco shall submit Annual Emission Statements in accordance with 310 CMR 7.12.</p> <p>5) In accordance with 310 CMR 7.13(1) and 310 CMR 7.13(2), if and when the Department has determined that stack testing is necessary to ascertain compliance with Department's regulations or design approval provisions, Ameresco shall cause such stack testing to be summarized, analyzed, and submitted to the Department within such time frame as agreed to in the approved test protocol.</p> <p>6) In accordance with 310 CMR 7.00 Appendix C(10)(a), Ameresco shall submit to the Department any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department.</p>

† The annual Source Registration/Emission Statement report shall be submitted to the DEP office specified in the instructions. **All other reports, including both 6-month summary reports, are to be submitted to the Western Regional Office.**

C. GENERAL APPLICABLE REQUIREMENTS – The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE – The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Description/Reason
Clean Air Act Section 112(r): Accidental Release Prevention Requirements	Facility does not store, use, or process any of the listed compounds in quantities greater than thresholds.
42 U. S. C. 7401 § 112: Hazardous Air Pollutants and 40 CFR part 82	Facility does not have potential to emit HAP above thresholds
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs less than 250 people.

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

Table 8	
EU #	Special Terms and Conditions
EU 1 EU 2 EU 3	<p>1) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall apply modern air pollution control technology with respect to noise. In no case shall the operation of the Ameresco facility result in an exceedance of the Department's noise guidelines of:</p> <ul style="list-style-type: none"> a. an increase in the broadband sound level by more than 10 dB(A) above ambient; or b. production of a "puretone". <p>These guidelines are contained in DAQC Policy 90-001. In addition, in no case shall the operation of the Ameresco facility result in a condition of "Noise" as required by Regulation 310 CMR 7.10. (State Only)</p> <p>2) In accordance with DEP Approval #1-X-02-014 (8/20/02), Ameresco shall submit, for Department review and written approval, within 60 days after start up of the new units, a test protocol for documenting noise levels with the LFG facility in operation. Unless otherwise specified by the Department, the test protocol shall (minimally) meet the following criteria:</p> <ul style="list-style-type: none"> a. Sound Compliance Measurements shall be for the A-weighted L_{90}, and octave band sound pressure levels shall be measured over at least a 15-minute time period at each location under similar or identical conditions (meteorological conditions and background noise conditions). More than one 15-minute time period may be required by the Department; b. Sound Compliance Measurements shall be taken during periods when the facility is in operation. When feasible, Sound Compliance Measurements shall be conducted at times when the influence of extraneous background sounds is minimal; c. Sound Compliance Measurements shall be made as close as possible to any nearby receptors; and d. Sound measurements shall be conducted by a qualified noise specialist using noise monitoring equipment complying with the requirements of ANSI S1.4. (State Only) <p>The Department reserves the right to require additional measurement periods, locations, or events if in the opinion of the Department such additional measurements are necessary to determine compliance with the Air Pollution Control Regulations.</p>

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

A. Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies the United States

Environmental Protection Agency (EPA) and the Department at least fifteen days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to the Department pursuant to 310 CMR 7.00: Appendix B.

B. Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

All increases in emissions due to emission trading, must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et seq. (the "Act"), and provided for in this permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the Department shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the Department and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the Department to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the Department. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;

- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the Department to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the Department and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

- B. The Department has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this permit shall alter or affect the following:
- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
 - (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
 - (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the Department, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the Department's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the Department takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

17. DUTY TO PROVIDE INFORMATION

Upon the Department's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the

permit. Upon request, the Permittee shall furnish to the Department copies of records that the Permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the Department.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the Department, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the Department or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- D. the permittee submitted notice of the emergency to the Department within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the Department's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit available to the permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- A. Administrative Amendments — The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

- B. Minor Modifications — The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications — The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

Not all abbreviations are present in every Operating Permit

10⁶ Btu/hr – 1,000,000 Btu per hour

CEM – continuous emission monitor

CGA – cylinder gas audit

the Chart – the Ringelmann Scale for grading the density of smoke

CO – carbon monoxide

CO₂ – carbon dioxide

COM – continuous opacity monitor

DAS – data acquisition system

EPA – Environmental Protection Agency

FMF FAC. NO. – Facility Master File Number

FMF RO NO. – Facility Master File Regulated Object Number

ft³ – cubic feet

HHV – higher heating value

hr – hour

ISO – represents 59°F, 60% relative humidity, 29.9 2 inches mercury at sea level

lb – pound

lb/MMBtu – pounds per million British thermal units

MMBtu/hr – million British thermal units per hour

MW – megawatt (1,000,000 watts)

ng – natural gas

NH₃ – ammonia

NO_x – nitrogen oxides

PLT ID – plant identification

PM – particulate matter

ppm – parts per million

ppmvd – parts per million (by volume, dry)

PTE – potential to emit

RATA – relative accuracy test audit

SO₂ – sulfur dioxide

SSEIS – Stationary Source Emission Inventory System

tpy – tons per year

VOC – volatile organic compound

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the Department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.